

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 09/681,881
Filing Date: June 20, 2001
Inventor (first named): Squires, S. et al.
Group Art Unit: N/A
Examiner Name: Initial Patent Examination Division
Attorney Docket No.: 45722.2

AFFIDAVIT UNDER 37 CFR 1.47

Province of Alberta
CANADA

RECEIVED

OCT 03 2001

I, NEIL MUNRO, being duly sworn, depose and say as follows:

OFFICE OF THE COMMISSIONER

1. I am the Chief Executive Officer of Well to Wire Emissions Control Inc. ("W2W"), the assignee of the invention titled Method and Apparatus for Hydrogen Sulphide Removal (the "Invention"), and as such have personal knowledge of the matters hereinafter deposed to except where stated to be based upon information and belief.
2. The Invention was developed by three co-inventors, namely Mr. Stuart Squires, Orest Reminsky and Bryan Campbell (the "Inventors").
3. The Inventors executed an Assignment of Invention on the 4th day of October, 2000 whereby they irrevocably assigned, granted, sold, conveyed and transferred to W2W their right, title and interest in and to the Invention, the Canadian Patent Application filed on the 20th of June, 2000 and any and all patents for the Invention, including any patents arising from divisional, continuation or continuance in part applications, which may be granted in Canada, the United States or elsewhere. A copy of the Assignment of Invention Agreement is attached to this my Affidavit and marked as Exhibit "A".
4. Mr. Edward Yoo, a Patent Agent with the law firm of Bennett Jones LLP, was retained by W2W to prosecute the Patent Applications in the United States of America and in Canada.
5. A patent application was filed with the Canadian Intellectual Property Office and a filing certificate was issued on August 3, 2000 with application number 2,312,316 and a filing date of June 20, 2000.
6. A Patent Application was filed with the United States Patent and Trademark Office on June 20, 2001 as application number 09/681,881, claiming priority of the Canadian application. A copy of the application papers including a declaration and the patent specification were forwarded to all three Inventors and have been subsequently signed by both Bryan Campbell and Orest Reminsky.

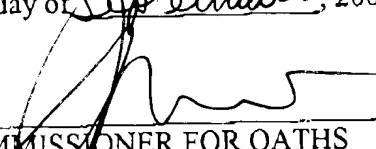
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7. Application papers were sent to the home address of Mr. Stuart Squires in the Town of Sedgewick, in the Province of Alberta. Attached to this my Affidavit and marked as Exhibit "B" is a copy of the letter from Mr. Ted Yoo to Mr. Stuart Squires dated February 16, 2001 enclosing the application papers for Mr. Squires' execution.
8. Mr. Stuart Squires failed to execute the application papers and verbally indicated to me that further correspondence should be directed to his solicitor, Mr. Colin MacDonald at the law firm of Borden Ladner Gervais. Mr. Edward Yoo forwarded a copy of the application papers to Mr. MacDonald at Borden Ladner Gervais for execution by his client, Mr. Stuart Squires. Attached to this my Affidavit and marked as Exhibit "C" is a copy of the facsimile cover page dated June 18, 2001 evidencing transmission of these documents to Mr. MacDonald.
9. I have been advised by Edward Yoo, agent of record in the present application, and do verily believe that he spoke with Mr. Squires by telephone in early June, 2001. Mr. Squires advised Mr. Yoo at that time that he was refusing to sign the declaration and that the reason for his refusal was Mr. Squires was dissatisfied with the financial arrangements he had entered into with W2W.
10. Mr. Squires continued to refuse to sign the Declaration. On Monday, July 30, 2001 I attended a Board meeting for W2W in the City of Calgary, in the Province of Alberta which meeting was personally attended by Mr. Stuart Squires. At that time Mr. Stuart Squires indicated that he was dissatisfied with the royalty arrangement originally entered into regarding the assignment of the Invention to W2W and he further stated that he outright refuses to sign the United States Patent Application papers including the Declaration. As of today's date, I have not received an express written refusal from Mr. Squires or his counsel. Attached to this my Affidavit and marked as Exhibit "D" is a copy of the Transfer of Patent Application Agreement.
11. The Transfer of Patent Application Agreement between W2W and Mr. Squires was properly executed by the parties and is a legal and binding obligation of the parties. Mr. Squires executed the Assignment attached hereto as Exhibit "A" in accordance with the Transfer of Patent Application Agreement.
12. The last known address of Mr. Squires is Box 6, Sedgewick, Alberta, Canada, T0B 4C0.


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13. I swear this Affidavit pursuant to 37 CFR 1.47 (MPEP 409.03(d)) permitting the application by the co-inventors Mr. Campbell and Mr. Reminsky and their assignor, W2W.

SWORN BEFORE ME at the City of)
Calgary, in the Province of Alberta, this)
08 day of September, 2001.)
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A COMMISSIONER FOR OATHS)
in and for the Province of Alberta)

JAMES A. SMITH
Notary Public Province of Alberta
My commission expires at the pleasure of the
Lieutenant Governor of the
Province of Alberta


NEIL MUNRO